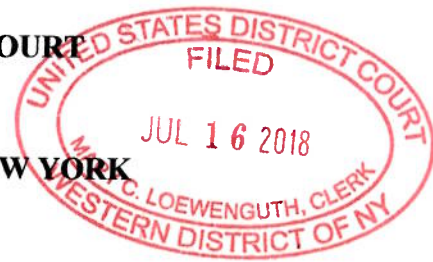


**UNITED STATES DISTRICT COURT
FOR
THE WESTERN DISTRICT OF NEW YORK**



Benjamin j. Bolton,

Plaintiff,

v.

Rochester Police Department,

Defendant/Respondent.

CIVIL RIGHTS COMPLAINT

(42 U.S.C. §1983)

Civil No.:

18-cv-6527G

JURISDICTION

- 1.) Jurisdiction is proper in this court according to 42 U.S.C. §1983 because the Defendant is a state agency with state employees and violated civil/constitutional rights of the Plaintiff.
- 2.) The Plaintiff resides in New York State in the Western District and the violations occurred in this jurisdiction.

- 3.) Benjamin J. Bolton is the Plaintiff and resides in New York State and currently lives at the following address:

176 North Water Street,
Rochester, New York 14604

- 4.) The Defendant, Rochester Police Department, is a law enforcement agency in the Western District

of New York.

NATURE OF CASE

- 5.) On, or about, July 14th, 2018 at approximately 4:30PM Eastern Standard Time, the Defendant arrived at the Plaintiff's residence to perform a suggested welfare check. The Plaintiff was not home at the time and learned of the peculiar activities by another resident in his apartment complex. Moreover, the Plaintiff contacted the Rochester Police Department to learn about the aforementioned suggested welfare check on the same above-mentioned date. Plaintiff was told that the welfare check was a misunderstanding by the law enforcement agency and that the police officer who was dispatched to the scene had arrived at the wrong location and was looking for a female with a similar address. The Plaintiff has had no previous contact with the Rochester Police Department and was not enduring any hardships that required assistance from the named law enforcement agency (Rochester Police Department). The civil rights violations arise because the suggested welfare check was performed to harass the Plaintiff because of his additional current civil complaints against the Federal Bureau of Investigation, multiple law enforcement agencies in Erie County, New York, Special Agent Brent Isaacson for the Federal Bureau of Investigation, and multiple other parties. More specifically, the Plaintiff's Fourteenth Amendment rights were violated by the Rochester Police Department and other defendants named in previous civil complaints to the Court because of their disliking of challenges to criminal convictions and civil lawsuits that have been generated by the Plaintiff. Equal protection and access to the law is an entitlement that *all individuals* have in the United States. Withal, the unprofessionalism and immature behaviors by the Rochester Police Department – as well as other persons and organizations named in this complaint and previous complaints to the Court – serve as an

illustration of the routine annoyances that the Plaintiff has had to deal with. Bogus claims of welfare checks in order to annoy the Plaintiff is a violation of the Fourteenth Amendment and constitutes intervention by this Court. Additionally, conjuring up false excuses to initiate contact with the Plaintiff also harms the public in respect to the idea that other important areas in society are not being dealt with because of the inappropriate behaviors by the Defendant and others named in this complaint and previous complaints to the Court. Essentially, the aforementioned specific violation of the Fourteenth Amendment by the Defendant transitions into general constitutional violations because of the lack of concern for honest services for the public.

CAUSE OF ACTION

6.) I allege that my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations:

a.) (1.) Count 1: Rochester Police Department Violated Petitioner's Civil Rights

(2.) Supporting Facts:

On, or about, July 14th, 2018 at approximately 4:30PM Eastern Standard Time the Defendant made an unnecessary arrival at the Plaintiff's residence to to annoy and cause harm to the Defendant because of correspondence with other law enforcers who have been named in civil complaints to the Court and because of the general disdain towards the Plaintiff's critical writings about the criminal justice system. These actions are in violation of the Fourteenth Amendment in the United States Bill of Rights.

INJURY

6.) The Plaintiff has dealt with serious emotional and legal distresses because of the unlawful actions by the Defendant. Moreover, the Petitioner's constitutional rights have been violated by the Defendant through actions that have deprived the Petitioner of civil/constitutional rights that are guaranteed in the United States of America.

PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

7.) The Plaintiff has ongoing civil complaints that have yet to retain court hearings. There have been no administrative relief granted by any court of law or regulatory agency.

REQUEST FOR RELIEF

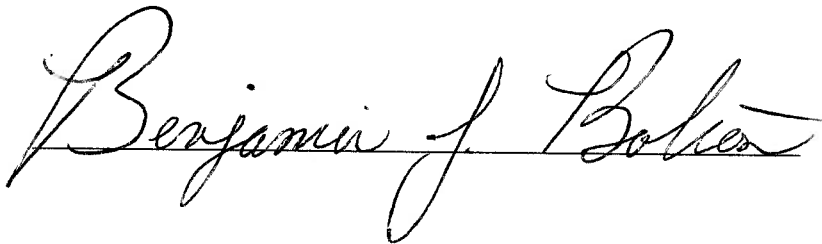
8.) The Petitioner believes that he is entitled to the following relief:

Punitive and compensatory damages in the amount of \$100,000 dollars in United States currency or any item or property of value that is equal to or more than the above-mentioned amount.

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint, and that the information contained therein is true and correct. 28 U.S.C. §1746; 18 U.S.C §1621.

Executed at the United States District Court for the Western District of New York on July 16, 2018.

A handwritten signature in cursive script, reading "Benjamin J. Baker", written over a horizontal line.

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Benjamin Bolten

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

Monroe

(c) Attorneys (Firm Name, Address, and Telephone Number)

Pro se, 176 N. Water St., #105
Rochester, NY 14604

DEFENDANTS

Rochester Police Department

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

Monroe

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff☒ 3 Federal Question
(U.S. Government Not a Party)☐ 2 U.S. Government Defendant☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

U.S.C. 42 § 1983

Brief description of cause:

Civil rights infringements

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

\$100,000

CHECK YES only if demanded in complaint:

JURY DEMAND:

☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG JUDGE